IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

NOTICE OF MOTION NO.146 OF 2006

IN

INSOLVENCY NOTICE NO.125 OF 2006

M/s.S. A. Contractors & Co. . ...Petitioning Creditor

Versus

Shri Yogesh Mehta. ...Debtor

.....

Mr. K.R. Parekh & Co. for the Petitioning Creditor.
Ms.M. Merchant i/b. H. G. Ganatra for Judgment Debtor.

.....

CORAM : DR. D.Y. CHANDRACHUD, J.

October 17, 2006.

P.C.:

This Notice of Motion has been taken out for setting aside the Insolvency Notice. The Insolvency Notice is based on a decree passed by this Court on 23rd November 2005 in a Summary Suit. A Notice of Motion has been taken out on 2nd September 2006 for setting aside the ex-parte decree, but no application has been made until date for any ad-interim relief in the Motion. In the event that the ex-parte decree is set aside, the applicant would have recourse to the remedies in law. At the present stage, no

case is made out for setting aside the Insolvency Notice which is based on an ex-parte decree which holds the field. The Notice of Motion is dismissed.

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